

HB4534



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4534

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.3a

Amends the Clerks of Courts Act. Provides that a fee imposed upon certain defendants shall equal the fee collected to defray expenses related to an automated record keeping system, but shall not be more than \$15. Effective June 1, 2014.

LRB098 16972 HEP 52050 b

A BILL FOR

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Clerks of Courts Act is amended by changing
5 Section 27.3a as follows:

6 (705 ILCS 105/27.3a)

7 (Text of Section after amendment by P.A. 98-606)

8 Sec. 27.3a. Fees for automated record keeping, probation
9 and court services operations, and State and Conservation
10 Police operations.

11 1. The expense of establishing and maintaining automated
12 record keeping systems in the offices of the clerks of the
13 circuit court shall be borne by the county. To defray such
14 expense in any county having established such an automated
15 system or which elects to establish such a system, the county
16 board may require the clerk of the circuit court in their
17 county to charge and collect a court automation fee of not less
18 than \$1 nor more than \$25 to be charged and collected by the
19 clerk of the court. Such fee shall be paid at the time of
20 filing the first pleading, paper or other appearance filed by
21 each party in all civil cases or by the defendant in any
22 felony, traffic, misdemeanor, municipal ordinance, or
23 conservation case upon a judgment of guilty or grant of

1 supervision, provided that the record keeping system which
2 processes the case category for which the fee is charged is
3 automated or has been approved for automation by the county
4 board, and provided further that no additional fee shall be
5 required if more than one party is presented in a single
6 pleading, paper or other appearance. Such fee shall be
7 collected in the manner in which all other fees or costs are
8 collected.

9 1.1. Starting on July 6, 2012 (the effective date of Public
10 Act 97-761) and pursuant to an administrative order from the
11 chief judge of the circuit or the presiding judge of the county
12 authorizing such collection, a clerk of the circuit court in
13 any county that imposes a fee pursuant to subsection 1 of this
14 Section shall also charge and collect an additional \$10
15 operations fee for probation and court services department
16 operations.

17 This additional fee shall be paid by the defendant in any
18 felony, traffic, misdemeanor, local ordinance, or conservation
19 case upon a judgment of guilty or grant of supervision, except
20 such \$10 operations fee shall not be charged and collected in
21 cases governed by Supreme Court Rule 529 in which the bail
22 amount is \$120 or less.

23 1.2. With respect to the fee imposed and collected under
24 subsection 1.1 of this Section, each clerk shall transfer all
25 fees monthly to the county treasurer for deposit into the
26 probation and court services fund created under Section 15.1 of

1 the Probation and Probation Officers Act, and such monies shall
2 be disbursed from the fund only at the direction of the chief
3 judge of the circuit or another judge designated by the Chief
4 Circuit Judge in accordance with the policies and guidelines
5 approved by the Supreme Court.

6 1.5. Starting on June 1, 2014 ~~the effective date of this~~
7 ~~amendatory Act of the 96th General Assembly~~, a clerk of the
8 circuit court in any county that imposes a fee pursuant to
9 subsection 1 of this Section, shall charge and collect an
10 additional fee in an amount equal to the amount of the fee
11 imposed pursuant to subsection 1 of this Section, except the
12 fee imposed under this subsection may not be ~~of not less than~~
13 ~~\$1 nor~~ more than \$15. This additional fee shall be paid by the
14 defendant in any felony, traffic, misdemeanor, or local
15 ordinance case upon a judgment of guilty or grant of
16 supervision. This fee shall not be paid by the defendant for
17 any violation listed in subsection 1.6 of this Section.

18 1.6. Starting on June 1, 2014 ~~July 1, 2012 (the effective~~
19 ~~date of Public Act 97-46)~~, a clerk of the circuit court in any
20 county that imposes a fee pursuant to subsection 1 of this
21 Section shall charge and collect an additional fee in an amount
22 equal to the amount of the fee imposed pursuant to subsection 1
23 of this Section, except the fee imposed under this subsection
24 may not be ~~of not less than \$1 nor~~ more than \$15. This
25 additional fee shall be paid by the defendant upon a judgment
26 of guilty or grant of supervision for a violation under the

1 State Parks Act, the Recreational Trails of Illinois Act, the
2 Illinois Explosives Act, the Timber Buyers Licensing Act, the
3 Forest Products Transportation Act, the Firearm Owners
4 Identification Card Act, the Environmental Protection Act, the
5 Fish and Aquatic Life Code, the Wildlife Code, the Cave
6 Protection Act, the Illinois Exotic Weed Act, the Illinois
7 Forestry Development Act, the Ginseng Harvesting Act, the
8 Illinois Lake Management Program Act, the Illinois Natural
9 Areas Preservation Act, the Illinois Open Land Trust Act, the
10 Open Space Lands Acquisition and Development Act, the Illinois
11 Prescribed Burning Act, the State Forest Act, the Water Use Act
12 of 1983, the Illinois Veteran, Youth, and Young Adult
13 Conservation Jobs Act, the Snowmobile Registration and Safety
14 Act, the Boat Registration and Safety Act, the Illinois
15 Dangerous Animals Act, the Hunter and Fishermen Interference
16 Prohibition Act, the Wrongful Tree Cutting Act, or Section
17 11-1426.1, 11-1426.2, 11-1427, 11-1427.1, 11-1427.2,
18 11-1427.3, 11-1427.4, or 11-1427.5 of the Illinois Vehicle
19 Code, or Section 48-3 or 48-10 of the Criminal Code of 2012.

20 2. With respect to the fee imposed under subsection 1 of
21 this Section, each clerk shall commence such charges and
22 collections upon receipt of written notice from the chairman of
23 the county board together with a certified copy of the board's
24 resolution, which the clerk shall file of record in his office.

25 3. With respect to the fee imposed under subsection 1 of
26 this Section, such fees shall be in addition to all other fees

1 and charges of such clerks, and assessable as costs, and may be
2 waived only if the judge specifically provides for the waiver
3 of the court automation fee. The fees shall be remitted monthly
4 by such clerk to the county treasurer, to be retained by him in
5 a special fund designated as the court automation fund. The
6 fund shall be audited by the county auditor, and the board
7 shall make expenditure from the fund in payment of any cost
8 related to the automation of court records, including hardware,
9 software, research and development costs and personnel related
10 thereto, provided that the expenditure is approved by the clerk
11 of the court and by the chief judge of the circuit court or his
12 designate.

13 4. With respect to the fee imposed under subsection 1 of
14 this Section, such fees shall not be charged in any matter
15 coming to any such clerk on change of venue, nor in any
16 proceeding to review the decision of any administrative
17 officer, agency or body.

18 5. With respect to the additional fee imposed under
19 subsection 1.5 of this Section, the fee shall be remitted by
20 the circuit clerk to the State Treasurer within one month after
21 receipt for deposit into the State Police Operations Assistance
22 Fund.

23 6. With respect to the additional fees imposed under
24 subsection 1.5 of this Section, the Director of State Police
25 may direct the use of these fees for homeland security purposes
26 by transferring these fees on a quarterly basis from the State

1 Police Operations Assistance Fund into the Illinois Law
2 Enforcement Alarm Systems (ILEAS) Fund for homeland security
3 initiatives programs. The transferred fees shall be allocated,
4 subject to the approval of the ILEAS Executive Board, as
5 follows: (i) 66.6% shall be used for homeland security
6 initiatives and (ii) 33.3% shall be used for airborne
7 operations. The ILEAS Executive Board shall annually supply the
8 Director of State Police with a report of the use of these
9 fees.

10 7. With respect to the additional fee imposed under
11 subsection 1.6 of this Section, the fee shall be remitted by
12 the circuit clerk to the State Treasurer within one month after
13 receipt for deposit into the Conservation Police Operations
14 Assistance Fund.

15 (Source: P.A. 97-46, eff. 7-1-12; 97-453, eff. 8-19-11; 97-738,
16 eff. 7-5-12; 97-761, eff. 7-6-12; 97-813, eff. 7-13-12;
17 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-375, eff.
18 8-16-13; 98-606, eff. 6-1-14; revised 1-16-14.)

19 Section 99. Effective date. This Act takes effect June 1,
20 2014.